



POLICE DEPARTMENT

September 23, 2015

MEMORANDUM FOR: Police Commissioner

Re: Police Officer Margaret Merendino  
Tax Registry No. 917735  
77 Precinct  
Disciplinary Case No. 2014-11964

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The above-named member of the Department appeared before me on June 16, 2015 charged with the following:

1. Said Police Officer Margaret Merendino, assigned to the 77<sup>th</sup> Precinct, on or about between [sic] April 28, 2010 to May 24, 2014, within Suffolk County, did knowingly associate with persons or organizations reasonably believed to be engaged in, likely to engage in, or to have engaged in criminal activities.

P.G. 203-10, Page 1, Paragraph 2(C) – PUBLIC CONTACT—PROHIBITED  
CONDUCT GENERAL REGULATIONS

2. Said Police Officer Margaret Merendino, assigned to the 77<sup>th</sup> Precinct, on or about between [sic] April 28, 2010 to May 24, 2014, after having been directed by New York City Police Sergeant Nicholas Danna to cease communications with Person A, did fail and neglect to comply with said order.

P.G. 203-03, Page 1, Paragraph 2 – COMPLIANCE WITH ORDERS  
GENERAL REGULATIONS

The Department was represented by Javier Seymore, Esq., Department Advocate's Office, and Respondent was represented by John Tynan, Esq.

Respondent, through her counsel, pleaded guilty and testified in mitigation of the penalty. A stenographic transcript of the mitigation hearing record has been prepared and is available for the Police Commissioner's review.

DECISION

Respondent, having pleaded Guilty, is found Guilty.

SUMMARY OF EVIDENCE IN MITIGATION

Respondent testified that she became romantically involved with Person A when they attended high school together. They lost contact with each other after she joined the Department in 1996. During 2009, she and Person A became reacquainted through Facebook. Respondent was not aware at that point that Person A was involved in any criminal activity. Their relationship became serious but she ended it because Person A took her car without asking her permission causing her to file a report with the Suffolk County Police Department. Person A's mother told her that Person A was involved with drugs, that he was getting help, and that she would get her car back, which she eventually did. Person A continued to call her and come over to her residence but she would just "blow him off."

On April 28, 2010, Sergeant Danna from the Internal Affairs Bureau (IAB) conducted an official Department interview of Respondent. He told her that Person A was a felon, that he used drugs and that she had to stay away from Person A. She acknowledged that she had used a Department computer to perform a personal inquiry regarding Person A.



She signed a Schedule B Command Discipline and accepted a penalty of the forfeiture of three vacation days for using a Department computer for a non-Department purpose.

Even though Sergeant Danna had ordered her not to associate with Person A, because Person A continued to call her and come to her residence, she "fell in love with him" and resumed their relationship. From late 2010 until May 24, 2014, Person A stayed at her residence a couple of nights each week, they took trips to Florida together, and she posted photos of herself and Person A together on Facebook.

In May 2014, she was contacted by IAB and informed that she was under investigation for associating with Person A. She learned that the IAB investigation had been opened because Person A's ex-wife, who was seeking increased child support from Person A, had called IAB and reported that they were living together. She then permanently ended her relationship with him. Since May 2014, she has not associated with Person A even though he has continued to call her and even though he has sat outside her house "night after night." Respondent testified that during the summer of 2013 she learned that she was pregnant by Person A. [REDACTED]

[REDACTED]

[REDACTED] She was later told that if she had given birth and married Person A, the Department would have ceased requiring her not to associate with Person A. The Assistant Department Advocate (the Advocate) offered in evidence Person A's NYSID Criminal History Summary [Department's Exhibit 1] which shows that from 1990 to 2014 Person A was arrested 17 times and convicted of crimes on 12 occasions, including convictions for Robbery, Larceny and Criminal Possession of a Controlled Substance.

PENALTY

In order to determine an appropriate penalty, Respondent's service record was examined. See *Matter of Pell v. Board of Education*, 34 N.Y.2d 222 (1974). Respondent was appointed to the Department on July 18, 1996. Information from her personnel record that was considered in making this penalty recommendation is contained in an attached confidential memorandum.

The Advocate recommended that Respondent forfeit 30 vacation days and serve one year on dismissal probation. Respondent's attorney argued that the penalty to be imposed on Respondent should consist of no more than the loss of 15 vacation days.

Depending on the nature and extent of the association, penalties ranging from eight to 30 vacation days have been imposed on members who have pleaded guilty to associating with a person who has engaged in criminal activity. However, where a member has failed to comply with a direct order by continuing to associate with a person who has engaged in criminal activity after being ordered to cease communication with that person, the penalty imposed has consistently included a one year period on dismissal probation.

For example, in *Case No. 2013-8789* (Dec. 9, 2013), a 23-year officer forfeited ten suspension days plus 30 vacation days and was placed on dismissal probation after she pleaded guilty to continuing to live with a person who was on criminal probation after she had been ordered to discontinue her association with that person.

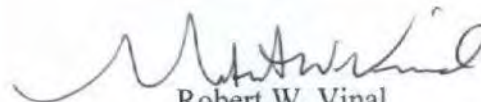
Most recently, in *Case No. 2013-10268* (May 13, 2015), the Police Commissioner imposed a penalty consisting of the forfeiture of 30 vacation days and one year on



dismissal probation on an officer who pleaded guilty to continuing to have contact with a person who had engaged in criminal activity after he had been ordered to cease associating with that person. Although the officer in that case offered testimony in an attempt to mitigate the penalty, the Police Commissioner deemed that it was necessary to add dismissal probation to the 30 vacation day penalty recommended by the Trial Commissioner because a period of monitoring was warranted. Here also a period of monitoring is warranted.


Accordingly, I recommend that Respondent be DISMISSED from the New York City Police Department, but that her dismissal be held in abeyance for a period of one year, pursuant to Section 14-115 (d) of the Administrative Code, during which she remains on the force at the Police Commissioner's discretion and may be terminated at any time without further proceedings. I further recommend that Respondent forfeit 30 vacation days.

Respectfully submitted,



Robert W. Vinal  
Assistant Deputy Commissioner – Trials

**APPROVED**

NOV 20 2015  
  
WILLIAM J. BRATTON  
POLICE COMMISSIONER

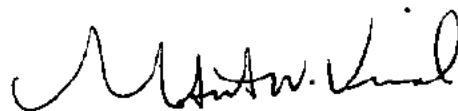
POLICE DEPARTMENT  
CITY OF NEW YORK

From: Assistant Deputy Commissioner - Trials  
To: Police Commissioner  
Subject: CONFIDENTIAL MEMORANDUM  
POLICE OFFICER MARGARET MERENDINO  
TAX REGISTRY NO. 917735  
DISCIPLINARY CASE NO. 2014-11964

Respondent received an overall rating of 4.5 "Highly Comptent" on her 2014 annual performance evaluation, 4.5 on her 2013 annual evaluation, and 4.5 on her 2012 evaluation. She has been awarded one Excellent Police Duty medal. [REDACTED]  
[REDACTED]

She has no prior formal disciplinary record. On September 10, 2014, she was placed in Level 1 Discipline Monitoring which is continuing.

For your consideration.



Robert W. Vinal  
Assistant Deputy Commissioner - Trials